

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

Case No. 21-MJ-00598 (JRC)

V.

Brooklyn, New York

May 19, 2021

ABIDEMI RUFAI,

Defendant.

* * * * *

TRANSCRIPT OF CRIMINAL CAUSE FOR BAIL APPLICATION
BEFORE THE HONORABLE RAMON E. REYES
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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1 (Proceedings commenced at 9:09 a.m.)

2 THE CLERK: This is criminal cause for a bail
3 application, Docket No. 21-MJ-598, USA vs. Abidemi Rufai.

4 Counsel, will you state your appearance.

5 THE COURT: Hold on. Just a second, Lewis. Hold
6 on just a second.

7 Everyone who has called in, whether by computer or
8 by cell phone, mute your microphones. If you don't, we're
9 going to get feedback and we won't be able to hear clearly.
10 I can see there are several callers that have not muted their
11 phones. Please mute your phones. People are not listening
12 to me.

13 All right. Go ahead, Lewis.

14 THE CLERK: This is a criminal cause for a bail
15 application, 21-MJ-598, USA vs. Abidemi Rufai.

16 Counsel, please state your appearances, starting
17 with the government.

18 MS. OKEN: Good morning, Your Honor. Lindsey Oken
19 for the government.

20 THE COURT: Good morning.

21 MR. WEIL: Good morning, Your Honor. It's Michael
22 Weil, Federal Defenders, for Mr. Rufai. (Indiscernible) to
23 be relieved on the record.

24 THE COURT: I understand that Mr. Barrows is
25 retained counsel now, so Mr. Weil is relieved.

1 MR. WEIL: Thank you, Judge.

2 MR. BARROWS: That's correct, Judge. Michael
3 Barrows, Barrows Levy, PLLC, for Mr. Abidemi -- incoming
4 counsel for Mr. Abidemi Rufai. Good morning.

5 THE COURT: So you have a bail application to
6 present, Mr. Barrows?

7 MR. BARROWS: I do, Judge.

8 THE COURT: Go ahead.

9 MR. BARROWS: Okay. Judge, at the outset, it
10 should be noted that a presumption of detention does not
11 attach here where Mr. Rufai is charged with wire fraud.

12 In fact, district courts across this country have
13 uniformly held that wire fraud is not the type of crime
14 designated for mandatory detention.

15 And that is because wire fraud is not a crime of
16 violence, it is not a crime that concerns a controlled
17 substance, and is not a crime that involves minors. That's
18 *U.S. vs. Salls* and *U.S. v. Ganz*.

19 Accordingly, it's incumbent upon the government to
20 establish elements necessary to warrant pretrial detention.

21 With respect to flight risk, the government carries
22 a dual burden in seeking pretrial detention. First, it must
23 establish beyond a preponderance of the evidence that the
24 defendant if released presents an actual risk of flight.
25 Assuming it satisfies this burden, the government must then

1 demonstrate by a preponderance of the evidence that no
2 condition or combinations of conditions could be imposed on
3 the defendant that would reasonably ensure his presence at
4 court. That's *U.S. v. Sabhnani*, S-A-B-H-N-A-N-I.

5 With respect to dangerousness to any other person
6 or the community, they must prove this element by clear and
7 convincing evidence. That's *U.S. v. Hinton*.

8 Ultimately the legal standard required for pretrial
9 detention is one of reasonable assurances and absolute
10 guaranties. *U.S. v. Orta*, O-R-T-A.

11 As conceded by the government in it's May 18th,
12 2021 letter, the factors relevant in determining whether to
13 detain Mr. Rufai pretrial are: One, the nature and
14 circumstances of the offenses charged including whether
15 they're crimes of violence; two, the weight of the evidence
16 against the defendant, Mr. Rufai; defendant's history and
17 characteristics; and four, the nature and seriousness of the
18 danger to any person or the community that would be posed by
19 defendant's release. 18 U.S.C. 3142(g).

20 Moreover, with respect to economic crimes such as
21 those charged against Mr. Rufai, the government must prove
22 more than the fact of a serious economic crime that generated
23 great sums of ill-gotten gains. Merely having access to
24 significant funds is not enough. *U.S. v. Giordano*, and
25 that's a Southern District Florida case.

1 In the case of (indiscernible) it's respectfully
2 submitted that the government has failed to carry its dual
3 burden in establishing, one, that Mr. Rufai is a flight risk
4 or a danger, and most importantly that there are no
5 conditions which will ensure his future appearance in court.

6 First, the nature and circumstances of the offense
7 charged. The nature and circumstances of Mr. Rufai's alleged
8 offense militates his pretrial (indiscernible). Federal bail
9 reform statutes suggests that a defendant presents a greater
10 risk of flight if (indiscernible) of violence (indiscernible)
11 and those involving a minor victim, a controlled substance,
12 firearms, explosives or other destructive devices. 18 U.S.C.
13 1342(g).

14 Mr. Rufai is not accused of any such offenses, Your
15 Honor. Rather, Mr. Rufai allegedly submitted fraudulent FEMA
16 disaster relief claims, fraudulent submissions to the IRS
17 from 2020 to the -- 2017 to the present.

18 Such a crime, while serious, is not indicative of a
19 disrespect for judicial authority or a cavalier attitude
20 towards the reach of law enforcement such that Mr. Rufai
21 cannot be trusted to appear in court. *U.S. v. Demmler*, D-E-
22 M-M-L-E-R.

23 Thus the nature and circumstances of the offense
24 therefore militate in favor of pretrial release.

25 Second --

1 THE COURT: No. No. No. The case law you just
2 cited -- and the argument is that other crimes are more
3 indicative of a risk of flight than financial crimes. It
4 doesn't say that financial crimes are not indicative of a
5 risk of flight. It's one of relative risk of flight.

6 MR. BARROWS: That is correct, Your Honor. That is
7 correct, 100 percent.

8 THE COURT: Okay. So.

9 MR. BARROWS: And I'm not minimizing the severity
10 of the crimes alleged by any means or by any stretch, Judge.

11 Second, the weight of the evidence. No one can
12 deny that the weight of the evidence against Mr. Rufai is
13 formidable.

14 However, although the statute permits the Court to
15 consider evidence of guilt, it neither requires nor permits a
16 pretrial determination that the defendant is guilty. *U.S. v.*
17 *Montamedi*, M-O-N-T-A-M-E-D-I, *U.S. v Edson* and *U.S. v. Elson*.

18 Evidence of guilt may be considered only as it
19 informs the likelihood that Mr. Rufai will fail to appear,
20 *U.S. v. Montamedi*. "Otherwise, if the Court impermissibly
21 makes a preliminary determination of guilt, the refusal to
22 grant relief could be in substance a matter of punishment."
23 That's a quote from *U.S. v. Montamedi*.

24 Although the weight of evidence in this matter may
25 militate in favor of detention, Mr. Rufai is no more a flight

1 risk than any other defendant whom the government's case is
2 strong. Thus, the weight of the evidence -- thus, it is
3 respectfully submitted that the weight of the evidence is,
4 therefore, the least important of these various factors.
5 *U.S. v. Montamedi*, citing *U.S. v. Honyman*, H-O-N-Y-M-A-N.

6 Third, the history and characteristics of the
7 defendant. The government urges pretrial detention based
8 upon my reading of the May 18th, 2021 letter from the USA of
9 the Western District of Washington, because he was, quote,
10 "arrested at the airport as he prepared to board a flight to
11 his country of citizenship." That's at page 2, Your Honor.

12 This accusation upon scrutiny, however, does not
13 merit pretrial detention. There is no evidence that Mr.
14 Rufai was seeking to exit the country to avoid arrest. In
15 fact, the government conceded Mr. Rufai, quote, "prepared to
16 board a plane," quote, "before he was aware of the multiple
17 felony charges he faced in the United States." Thus, there
18 is absolutely no correlation between the indictment and Mr.
19 Rufai's decision to leave the country to return home to his
20 wife and two young children. Nor was Mr. Rufai under any
21 obligation to inform the government of his intent to travel
22 back to Nigeria at the time he was arrested.

23 In sum, the government's claim that Mr. Rufai was
24 seeking to board a plane when he was apprehended for the
25 crimes alleged (indiscernible) prosecution failed to clear

1 the statutory hurdle requiring the government to show by a
2 preponderance of the evidence both that Mr. Rufai is a flight
3 risk and that no condition of release under -- that there is
4 no conditions of release upon which Mr. Rufai will appear.

5 Restated, Mr. Rufai's conduct in boarding a flight
6 years after he allegedly began committing crimes in the
7 United States in 2017 is not indicative, as the government
8 would suggest, of a predisposition to flee the country. If
9 anything, it's respectfully submitted it demonstrates his
10 desire to return home to see his family.

11 Moreover, as set forth in the Pretrial Services
12 report, a criminal record check conducted through the
13 National Crime Information Center, state and local records,
14 reveals no criminal history for the defendant, one's prior
15 history, once again, militating in favor of pretrial release.

16 It is first -- it is further submitted that Mr.
17 Rufai's status as a Nigerian National should not weigh
18 heavily in favor of pretrial detention in this matter, but
19 rather militate in favor of pretrial release.

20 As the government concedes, Mr. Rufai holds a
21 distinguished governmental position in his home country as
22 the, quote, senior special assistant to the governor of Ogun,
23 a Nigerian state. It goes without saying that only an
24 individual of high moral character and integrity could
25 achieve such a distinguished governmental position.

1 Fourth and finally, the nature and seriousness of
2 the danger to any person or community that would be posed by
3 defendant's release.

4 In support of its arguments that Mr. Rufai poses a
5 significant economic danger to the community, the government
6 cites two cases, both of which are easily distinguishable
7 from the case so far. And those would be the *Reynolds* case,
8 R-E-Y-N-O-L-D-S, case, and the *Otunyo*, O-T-U-N-Y-O, case.

9 The *Reynolds* case is easily distinguishable because
10 the defendant was already convicted of the crimes when he
11 sought release pending his appeal. Conviction ipso facto
12 satisfies the clear and convincing and preponderance of the
13 evidence standards previously mentioned.

14 Here, Mr. Rufai has not been convicted of any
15 crimes alleged in the government's complaint. In fact, he
16 has never been convicted of a crime. In its May 18th letter
17 -- oh, sorry.

18 In *Reynolds*, furthermore in *Reynolds*, the defendant
19 was granted pretrial release. And as the holding makes clear
20 was subsequently found to have violated such release. I
21 would suggest the same determination should apply with equal
22 force to Mr. Rufai and that the Court grant Mr. Rufai's
23 application to be released.

24 I would further highlight that the defendant in
25 *Reynolds* the restitution paid was \$50,000 more -- it was

1 400,000 -- \$50,000 more than is alleged to have been the
2 product of Mr. Rufai's machinations in this case, Judge.

3 The second case cited by the government, *U.S. v.*
4 *Otunyo*, further supports Mr. Rufai's request for pretrial
5 release upon, as we will -- as I will discuss in a moment,
6 the additional conditions of confinement to his brother's
7 (indiscernible), an officer of the court in the State of
8 Atlanta, Georgia, and with electronic monitoring.

9 As I'll discuss very soon, those conditions were
10 not to be imposed or not suggested to be imposed by Pretrial
11 Services. We would suggest that those would be appropriate
12 to secure Mr. Rufai's attendance at court.

13 As the Court points out in *Otunyo*, in appropriate
14 circumstances a defendant may be temporarily released to the
15 custody of a family member pursuant to 3142(i). And the
16 cited there was *Thomas*.

17 And in that case, it says the case law suggests
18 that family members may constitute, quote, "appropriate
19 persons," end quote, where the defendant is released to
20 relatives and placed under house arrest. Also quoting *U.S.*
21 *v. Dhavale*, D-H-A-V-A-L-E.

22 Here, Mr. Rufai suggests that over and above the
23 pretrial report recommendations, Pretrial Services
24 recommendations, that there be an additional condition of his
25 release over and above those recommended by Pretrial

1 Services, and that is that he be confined to his Brother
2 Alaba Rufai's home in Jamaica, Queens.

3 As the government is well aware, having interviewed
4 Mr. Alaba Rufai, he is an attorney practicing law and in good
5 standing in Atlanta, Georgia. He also has long-standing ties
6 to the United States. Accordingly we suggest to the Court
7 that he is an appropriate third-party custodian.

8 THE COURT: Wait just a second. Alaba Rufai
9 practices law in Georgia but lives in New York?

10 MR. BARROWS: He lives in New York. He goes back
11 and forth, Judge. But primarily it's my understanding that
12 he is in New York, but he does practice -- he does real
13 estate, Judge, so it's not necessarily a site as practice
14 where he could practice from anywhere.

15 MR. A. RUFAI: I am sorry to interrupt, Your Honor.

16 THE COURT: Not yet. Not yet. You can clarify
17 anything later.

18 MR. BARROWS: And, Judge, I'm sorry. Mr. Rufai was
19 supposed to be at my office. He just couldn't make it this
20 early in the morning. He did come -- never mind.

21 As noted above, Judge, the government's burden in
22 seeking pretrial detention is two-fold. First, it must
23 establish a risk of flight or that Mr. Rufai poses a danger
24 to the community or both.

25 Assuming the government has cleared this initial

1 hurdle, it must also demonstrate by a preponderance of the
2 evidence that no condition or combination of conditions could
3 be imposed by this court that would reasonably assure his
4 presence.

5 In making this determination, it is respectfully
6 submitted that the Court must be, quote, "mindful of the
7 reality that pretrial detention may hinder defendant's
8 ability to gather evidence, contact witnesses or otherwise
9 prepare for his defense," end quote. *U.S. v. Demmler*.

10 Accordingly, the Court should order pretrial
11 detention only if there are no conditions upon which Mr.
12 Rufai's appearance and lack of dangerousness can reasonably
13 be assured.

14 Here there exist several, in fact multiple
15 conditions which can be imposed upon Mr. Rufai to ensure his
16 appearance, conditions over and above those suggested by
17 Pretrial Services.

18 THE COURT: Why don't you tell me what your bail
19 package is.

20 MR. BARROWS: My bail package is, Judge, we have
21 the following conditions. We ask that he be released to
22 third-party custodian, his brother. That he have to remain
23 in the brother's home.

24 That he be restricted to the Southern District and
25 Eastern District of New York, that condition, and Western

1 District of Washington unless otherwise approved by Pretrial
2 Services. That's one of Pretrial Services' recommendations.

3 He surrender all travel documents to the extent
4 that he has them any longer. I believe they were taken from
5 him. He does not apply for or obtain any travel documents.
6 He reports to Pretrial Services. He be subject to random
7 home visits. And those are all Pretrial conditions.

8 We'd also suggest conditional conditions which
9 would be have him be remanded to the custody of his brother
10 as a third-party custodian and electronic monitoring, Judge.
11 That will ensure that Pretrial Services will have tabs on him
12 and know his whereabouts on a 24/7 basis, negate any fears
13 that he would leave this country.

14 In addition, Judge, Pretrial Services does suggest
15 a substantial bond that be co-signed by his brother, Judge.
16 His brother is ready, willing and able to co-sign the bond
17 under the conditions afore-stated. The issue of what the
18 bond would be, Judge, I leave in the discretion of the Court.
19 So we would suggest something in the amount of 100 to
20 \$200,000, Judge.

21 THE COURT: Ms. Oken?

22 MS. OKEN: Thank you, Judge.

23 The government is asking that the defendant be
24 detained (indiscernible) removal to the Western District of
25 Washington. The defendant is charged with orchestrating what

1 may have been one of the largest (indiscernible) schemes to
2 secure fraudulent unemployment benefits in Washington State.
3 The underlying conduct here involves the theft of American's
4 personal identifying information, the use of that information
5 to submit fraudulent claims, and then the use of strategic
6 methods that enabled the defendant to continue
7 (indiscernible).

8 As noted in both the complaint and the detention
9 memo, Judge, the investigation indicates the defendant
10 submitted similar fraudulent claims in at least ten other
11 states, including New York, suggesting that the loss amount
12 may be substantially higher.

13 There's also strong evidence that this is not the
14 defendant's first time engaging in conduct designed to
15 defraud the United States Government.

16 So, Judge, given the duration and scope of the
17 fraud here, the government believes the defendant does
18 present a danger to the community of ongoing criminal
19 conduct.

20 But more troubling, Judge, to the government, the
21 extreme risk of flight that this defendant presents. He is a
22 Nigerian National with no known ties to the district of
23 prosecution, which is the Western District of Washington.

24 He has demonstrated that he has plans to leave the
25 United States, and in fact was arrested on Friday night at

1 JFK Airport where he planned to board a flight to Amsterdam
2 that would continue on to Nigeria.

3 Now, Your Honor is aware of the pending charges for
4 which I should note he faces up to 30 years on each of five
5 counts, his risk of flight increases exponentially --

6 THE COURT: Let me ask you a question. A V2
7 tourism visa, how long does that last?

8 MS. OKEN: I believe, Judge, that he was permitted
9 to be in the United States through September of 2021.

10 THE COURT: All right.

11 MS. OKEN: As noted in the detention memo, the
12 defendant also has strong political ties in Nigeria
13 (indiscernible) difficult, if not impossible to accomplish
14 should the defendant flee.

15 Your Honor, perhaps more importantly, despite what
16 he reported to Pretrial in terms of his financial records,
17 the evidence in this case suggests that the defendant has
18 access to significant financial resources.

19 Even without records from the defendant's home
20 country, bank records for an account in the defendant's name
21 in the U.S. show that he received nearly \$300,000
22 (indiscernible). And he was also arrested while preparing
23 to board a flight (indiscernible) luxury watch, seven pieces
24 of luggage and three (indiscernible).

25 (Indiscernible) bail package that's been presented.

1 It's alleged in the complaint that the defendant's brother's
2 address is not (indiscernible) during the period that he's
3 alleged to have committed much of the underlying conduct in
4 this case. The defendant also received fraud proceeds at his
5 brother's address in New York.

6 The government has significant concerns about this
7 particular bail package and his brother's ability to serve as
8 a suitable surety.

9 So in light of these circumstances, Your Honor, and
10 in particular the serious risk of flight here, the government
11 is requesting that the defendant be removed to the Western
12 District of Washington in custody, at which point the
13 (indiscernible) District of Washington can assess whether
14 perhaps a stronger bail package for pretrial release might be
15 appropriate.

16 THE COURT: Mr. Barrows, last word?

17 MR. BARROWS: Judge, I would suggest -- I mean, we
18 went over and above what Pretrial Services had suggested. We
19 would do anything in order to have him out so that he can
20 prepare his trial.

21 I just would note that the bank account with the
22 \$288,825 in deposits, in the documents that I have it says
23 that during the period of the fraud, alleged fraud, a single
24 bank account received those deposits.

25 There's nothing in here to state that he has any of

1 that money, that that money was his in the first place, or
2 that he even has access to it. I'm assuming everything has
3 been frozen by now by the government so he doesn't have
4 access to funds, Judge. He would be placed at home under the
5 supervision of an officer of the court, Judge, with whatever
6 bail Your Honor or bond Your Honor decides would be
7 appropriate.

8 And I think -- I don't think that his brother would
9 risk his license as an officer of the court in doing anything
10 that would subvert Your Honor's authority or the authority of
11 the Western District of Washington.

12 THE COURT: All right. While the government has
13 satisfied its burden to establish by a preponderance of the
14 evidence that Mr. Rufai is a risk of flight, it has not
15 established its burden to prove that there are no conditions
16 or combinations of conditions that can secure his presence in
17 the jurisdictions to face these charges.

18 We will release Mr. Rufai on a \$300,000 bond with
19 --

20 Ms. Oken, did you say something? Oh, I'm sorry.
21 Okay.

22 -- \$300,000 bond, travel restricted to the Eastern
23 District of New York and the Western District of Washington.
24 Mr. Rufai will be placed under Pretrial Services' supervision
25 subject to random home visits. He will reside with his

1 brother in Queens. He will be on home confinement with
2 electronic monitoring. His brother will be a surety and will
3 also be the third-party custodian. He cannot apply for any
4 passports or international travel documents. And I assume
5 that his travel documents have already been seized by the
6 agents.

7 Ms. Oken, I understand that you're opposing
8 release, but are there any other conditions that you would
9 suggest that the government would want in place?

10 MS. OKEN: No, Your Honor. But we would
11 respectfully request a stay of Your Honor's opinions pending
12 consulting with the AUSA in the Western District of
13 Washington who I expect may file an appeal.

14 THE COURT: It's going to take a while for Mr.
15 Rufai to be -- go to the Western District of Washington in
16 any event. Is there a date set for a conference there?

17 MS. OKEN: There is not, Your Honor. I think the
18 Court in the Western District of Washington was waiting until
19 the timing of Mr. Rufai's arrival there would be determined
20 and at which point I think (indiscernible).

21 THE COURT: I'll stay this until tomorrow. If they
22 want to appeal, they have to do that by tomorrow.

23 MS. OKEN: I understand. Thank you, Judge.

24 MR. BARROWS: Thank you, Your Honor, for your
25 courtesies.

1 THE COURT: So while we're here, I can -- I guess
2 we'll fill out the bond and we'll get everything done now.
3 And then if they appeal, so be it. If not, then Mr. Rufai
4 will be released tomorrow.

5 I'd like to first speak with his brother.

6 Mr. Rufai, can you unmute your phone?

7 MR. A. RUFAI: Good morning.

8 THE COURT: Good morning, Mr. Rufai. Can you
9 please state your name for the record.

10 MR. A. RUFAI: My name is Alaba Rufai.

11 THE COURT: Mr. Rufai, I'm going to ask you some
12 questions. Your answers must be made under oath.

13 (Mr. Rufai is sworn.)

14 THE COURT: Abidemi is your brother, correct?

15 MR. RUFAI: That's correct.

16 THE COURT: Who's older?

17 MR. A. RUFAI: I am older.

18 THE COURT: You're an attorney licensed to practice
19 law in the State of Georgia?

20 MR. A. RUFAI: No, Your Honor.

21 THE COURT: Are you licensed to practice law in the
22 State of New York?

23 MR. A. RUFAI: Yes, Your Honor.

24 THE COURT: Okay. And you -- I think maybe this is
25 what's going to tell me, do you practice law in Georgia?

1 MR. A. RUFAI: No, I do not, Your Honor.

2 THE COURT: What is your connection with the State
3 of Georgia?

4 MR. A. RUFAI: I have my family in the State of
5 Georgia. I have my children go to school, so I have a second
6 home in the state.

7 THE COURT: You have a second home in Georgia?

8 MR. A. RUFAI: Yes.

9 THE COURT: Okay. You heard our discussions about
10 releasing your brother, yes?

11 MR. A. RUFAI: Yes, sir, I did.

12 THE COURT: All right. Do you understand what it
13 means to sign a bond?

14 MR. A. RUFAI: I do, but -- I do, yes, sir.

15 THE COURT: Okay. So we're going to release your
16 brother on the terms that I mentioned.

17 If he violates them, not only will he face
18 repercussions for that, most likely he'll be detained, but
19 you would also be subject to pay the government \$300,000,
20 which is a lot of money. They can seize your assets or
21 garnish your wages to try to find that amount.

22 Do you understand that?

23 MR. A. RUFAI: I do not agree to that, Your Honor.

24 THE COURT: You do not?

25 MR. A. RUFAI: I do not, Your Honor. I do not have

1 the financial (indiscernible) to that.

2 THE COURT: Well, Mr. Barrows, unless Mr. Rufai
3 agrees to be a surety, I'm not going to release his brother.

4 You're muted.

5 MR. BARROWS: Judge, may I have a second to just
6 communicate with Mr. Rufai? Would Your Honor allow me that?
7 I would go off and call him on the cell -- on my mobile if
8 Your Honor would just allow me a brief pause.

9 THE COURT: If he -- yes. He's going to have to
10 hang up from this call though, or I don't know if he can take
11 multiple calls on his cell, but you can have three minutes.

12 MR. BARROWS: Thank you, Judge. I really
13 appreciate that, Your Honor. Hold on.

14 (Pause.)

15 OFFICER LEE: Your Honor, this is Anna Lee from
16 Pretrial Services.

17 THE COURT: Hi, Anna. I see that you just sent me
18 the third-party custodian form.

19 OFFICER LEE: Okay. I just wanted to see. And
20 then just to let you know that if he is accepted, we'll do
21 the criminal record check after the hearing.

22 THE COURT: Okay.

23 (Pause.)

24 MR. BARROWS: I'm back, Judge.

25 THE COURT: Okay. Is Mr. Rufai back on the line?

1 MR. BARROWS: I believe he's there and just muted,
2 Judge.

3 If I may, I did have a conversation, and the issue
4 is having the property or having the ability to post that
5 bond, Judge, and that's why he's unable to do it. Not for
6 love of his brother, he just doesn't have the 300,000 in
7 collateral to put up, Judge.

8 THE COURT: I don't think Mr. Rufai understands how
9 the federal system works.

10 It's not that he has to put up -- we're not asking
11 for property to be posted to secure the bond, and no cash
12 component to it, so it's just a promise to pay that amount
13 over time if necessary to satisfy the full bond.

14 MR. BARROWS: Mr. Rufai, did you hear that?

15 MR. A. RUFAI: Yes, I did. But I (indiscernible).
16 I had gone into some financial arrangements that make it
17 impossible for me to commit to that.

18 THE COURT: Okay. I think then it's an easy call.
19 If Mr. Rufai -- I think a \$300,000 bond is appropriate in
20 this case.

21 It's a substantial fraud that we're talking about
22 if it's in fact true. The amount of the bond is the correct
23 amount for a crime of this nature and a surety is an absolute
24 in my mind requirement for this case.

25 And if Mr. Rufai is not willing to act as a surety,

1 that's okay. That's his decision and I respect that. But we
2 will not be able to release his brother then.

3 So in light of that, the application is denied with
4 leave to reopen and present a bail package in the future. I
5 do think this is a bailable case, notwithstanding the
6 government's arguments of risk of flight.

7 We can add conditions as I tried to do to cover
8 that. But if we don't have one stepping up as a surety,
9 there's nothing I can do.

10 MR. BARROWS: I appreciate that, Judge.

11 THE COURT: Okay. All right. Is there anything
12 else?

13 MS. OKEN: Nothing from the government
14 (indiscernible).

15 THE COURT: When we were here previously, was a
16 permanent order entered or a temporary order?

17 MS. OKEN: A temporary order was entered.

18 THE COURT: Okay. So I will sign then a permanent
19 order of detention to reopen and either -- and he'll be -- if
20 no application is made in the interim, he'll be removed in
21 custody to the Western District of Washington.

22 MR. BARROWS: Thank you, Your Honor. I appreciate
23 that.

24 THE COURT: All right. Thank you, everyone.

25 MR. BARROWS: Be well.

(Proceedings adjourned at 9:45 a.m.)

I, CHRISTINE FIORE, court-approved transcriber and certified electronic reporter and transcriber, certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.



May 27,

2021

Christine Fiore, CERT

Transcriber